FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Zoning Variance from Section 1B01.2.C.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) and Section V.B.9 of the Comprehensive Manual of Development Policy (CMDP) to allow a building to street centerline setback of 32 ft., in lieu of the required 50 ft., and a building to property line setback of 10 ft., in lieu of the required 25 ft., respectively. The proposed relief is more particularly shown on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Zoning Variance.

The subject property, known as 8945 Satyr Hill Road, is located in the 6th Councilmanic District in the Cub Hill section of Baltimore County. The property is split zoned D.R.3.5 and D.R.16 and is just less than one acre in area.

The Petitioner/legal owner, Charles R. Eierman, Jr., appeared at the hearing and was represented by Newton A. Williams, Esquire. Also appearing on behalf of the Petition was Thomas Parr, who prepared the plat. There were no Protestants present.

The uncontradicted evidence and testimony presented at the hearing was that the Petitioner owns the subject property, which can be characterized as a narrow, yet deep, lot which fronts Satyr Hill Road. On the

front portion of the property, shown on the plan as proposed lot No. 1, is an existing dwelling known as 8945 Satyr Hill Road. The rear of the property is currently unimproved. However, the Petitioner proposes to subdivide the property to create two additional building lots. One of these lots is under contract to be purchased by Timothy O'Shea. These are shown on the plan as proposed lots 2 and 3. Access to these lots will be by way of Carriage Walk Court which provides ingress/egress to a group of existing townhomes to the rear of the property. The existing dwelling known as 8945 Satyr Hill Road has been in existence for many years.

Counsel for the Petitioner also described a proposed land swap between Baltimore County and the property owner. Under the terms of this proposal, the Petitioner will transfer certain acreage between lot No. 1 and lot No. 2 to Baltimore County as open space. This land to be transferred will connect a local open space presently shown in the Second Amended Plat of the Carriage Walk subdivision with open space shown in the plat for that subdivision known as Lowell's Glen. In exchange for this property, the Petitioner will require a small strip of property between proposed lots 2 and 3 and Carriage Walk Court. This transfer will provide the Petitioner with direct access to Carriage Walk Court for proposed lots 2 and 3. Evidence presented also was that the proposed variances are for lot No. 3 only. Specifically, the Petitioner seeks a side yard setback of 10 ft. for the property line to the proposed dwelling and 32 ft. from the centerline of the street to the proposed dwelling. Further, the Petitioner noted that Carriage Walk Court deadends immediately adjacent to lot No. 3, and the fact that the road at that location serves only 3 of the townhouses in the Carriage Walk community.

It is clear from the evidence presented that lot No. 3 cannot be developed without the variance. Further, it is to be noted that the creation of these two additional lots is well within that number which would be allowed under the property's current zoning and its applicable density allocation.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. <u>McLean v. Soley</u>, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome:
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 3 (1974).

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship will result if the variances are not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variance requested, and that the require-

-3-

ments from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not cause any injury to the public health, safety and general welfare. Further, granting of the variance will be in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of day. 1992 that a variance from Section 1801.2.C.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) and Section V.B.9 of the Comprehensive Manual of Development Policy (CMDP) to allow a building to street centerline setback of 32 ft., in lieu of the required 50 ft., and a building to property line setback of 10 ft., in lieu of the required 25 ft., all in accordance with Petitioner's Exhibit No. 1, be and is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

AND ENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

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Suite 113 Courthouse 400 Washington Avenue Towson, MD 21204

6/0/6

ORDER REC

(410) 887-4386

June 8, 1992

Newton A. Williams, Esquire 700 Court Towers Towson, Maryland 21204

RE: Case No. 92-412A

Petitions for Zoning Variance

Legal Owner: Charles Eierman, Jr.

Contract Purchaser: Timothy S. O'Shea, Petitioner

Dear Mr. Williams:

Enclosed please find the decision rendered in the above captioned cases. The Petition for Zoning Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
att.
cc: Mr. Charles Eierman, Jr.

Petition for Variance to the Zoning Commissioner of Baltimore County for the property located at 8945 SATYR HILL ROAD which is presently zoned D.R. 3.5/D.R. IL This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(a)

SEE 1801.2C3 AND IB9 (CMDP) TO ALLOW A

BUILDING TO STREET CENTERLINE SETBACK OF IB9 (CMDP) 32' IN LIEU OF 50' AND BUILDING TO PROPERTY LINE OF 10' IN LIEU OF 25' of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) 1,) TRACT BOUNDARY AND RIGHT OF WAY SETBACK REQUIREMENTS RENDER SUBDIVISION OF THIS PROPERTY IMPRACTICAL DUE TO ITS GEOMETRIC SHAPE. 2.) THE OWNERS WANT TO DISENCUMBER THEMSELVES FROM THE HARDSHIP OF REMOVING LEAVES AND TRIMMINGS LEFT BY NEIGHBORS ON THAT PORTION OF THEIR PROPERTY WHICH THEY WISH TO SUBDIVIDE OFF AND SELL. 3.) BECAUSE OF RESTRICTIONS DUE TO SITE CONFIGURATION, THE PROPOSED SUBDIVISION AVOIDS PRACTICAL DIFFICULTIES ASSOCIATED WITH MAXIMIZING THE ALLOWABLE DENSITY. Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County. (/We do solemnly declare and affirm, under the penalties of parjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. ame, Address and phone number of legal owner, contract purchaser or representative

92-412-A

Walter T. Parr

CEIVED FOR FILING

Sylvester H. O'Grinc, P.E.

Michael K. Smith, P.L.S.

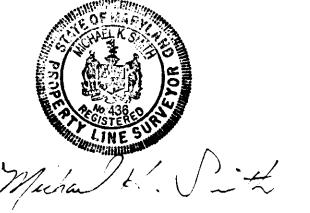
BPS/land technology, Inc. 92-4/2-A

P.O. Box 5614 • Baltimore, MD 21210 • (301) 435-0800

April 10, 1992

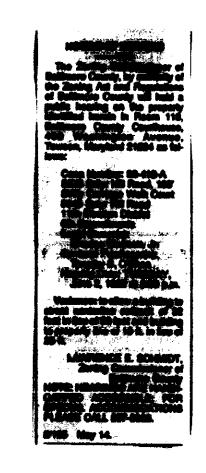
ZONING DESCRIPTION FOR 8945 SATYR HILL ROAD

Beginning at a point on the centerline of Satyr Hill Road which is sixty (60) feet wide at the distance of one hundred eighty five (185) feet south of the centerline of Carriage Walk Court which is fifty (50) feet wide, thence S.40° 51' E. 400.00 ft., S.33° 56' W. 103.63 ft., N.40° 51' W. 400.00 ft., N.30° 50'E. 70 ft., and N.40° 20'E. 33.95 ft. to the place of beginning. As recorded in Baltimore County in Deed Liber E.H.K. Jr. No.5904, folio 270 and containing 40,948.55 square feet or 0.94 acres of land.



CERTIFICATE OF POSTING
ZONNIS DEPARTMENT OF BALTIMORE COUNT
Towner, Maryland

Townen, Maryland	
Booted for UNICA	Date of Posting 5/15/92
Politices Cherles Fier me	y Ir. + Timothy 5. O'Shear
Location of property: SETS SETS 7	Hill Rd., 185° 5w/Comin. Walk of
Location of Signer Facing 700 d	Way on frequety of filition
Remarks:	
Posted by Market	Date of return: 5/22/92
Bunbor of Signe:	



CERTIFICATE OF PUBLICATION

THE JEFFERSONL

S. Zehe Olm
Publisher

\$ 44.73

429

425



04A04#0022HICHRC \$79.73

6/09/92

PUBLIC HEARING FEES

080 -POSTING SIGNS / ADVERTISING 1 X \$79.73 TOTAL: \$79.73

LAST NAME OF OWNER: RADUANO

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

111 West Chesapeake Avenue Towson, MD 21204

887-3353

Mr. Charles Eierman, Jr. 8945 Satyr Hill Road Baltimore, MD 21234

RE: Item No. 425, Case No. 92-412-A Petitioner: Charles Eierman, Jr. Petition for Variance

BA CO11:41AMO4-10-92

Dear Mr. Eierman:

111 West Chesapeake Avenue

Towson, MD 2120+

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

May 27, 1992

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Your petition has been received and accepted for filing this

Zoning Plans Advisory Committee

Petitioner: Charles Eierman, Jr.

Petitioner's Attorney:

9th day of April, 1992.

Baltimore County Government Office of Zoning Administration and Development Management Office of Planning & Zoning

111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

DATE: 6-27.92

Charles Eierman, Jr. 9845 Satyr Hill Road Baltimore, Maryland 21234

CASE NUMBER: 92-412-A SE/S Satyr Hill Read, 185' SWly Carriage Walk Court 8945 Satyr Hill Road 11th Election District - 6th Councilmanic Legal Cwner(s): Charles Eierman, Jr. Contract Purchaser: Timothy S. O'Shea

Dear Petitioner(s):

Please be advised that \$ 79.73 is due for advertising and posting of the above captioned

THIS FEE MUST BE PAID. ALSO, THE ZONING SIGN & POST SET(S) MUST BE RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland 21204. It should have your case number noted thereon and be made payable to Baltimore County, Maryland. In order to prevent delay of the issuance of proper credit and/or your Order, immediate attention to this matter is suggested.

BALTIMORE COUNTY, MARYLAND

OFFICE OF PLANNING AND ZONING New Courts Building 401 Bosley Avenue

Towson, MD 21204

Arnold Jablon, Director - Zoning Administration & Development

PETITIONS FROM ZONING ADVISORY COMMITTEE - April 20, 1992 &

The Office of Planning and Zoning has no comments on the

April 27, 1992

ARNOLD JABLON DIRECTOR

MEMORANDUM

Room 118, Baltimore County Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows: CASE NUMBER: 92-412-A SE/S Satyr Hill Road, 185' SWly Carriage Walk Court 8945 Satyr Hill Road 11th Election District - 6th Councilmanic Legal Owner(s): Charles Eleman, Jr. Contract Purchaser: Timothy S. O'Shea

HEARING: TUESDAY, JUNE 2, 1992 at 2:00 p.m.

111 West Chesapeake Avenue

MAY 6, 1992

Towson, MD 21204

Variance to allow a building to street centerline setback of 32 feet in lieu of 50 feet and building to property line of 10 ft. in lieu of 25 ft.

Baltimore County Government

Office of Zoning Administration

and Development Management

Office of Planning & Zoning

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore

County will hold a public hearing on the property identified herein in

(410) 887-3353

cc: Charles Eierman, Jr. Michael K. Smith Timothy S. O'Shea

Zoning Commissioner of Baltimore County

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

Printed on Recycled Paper

BALT ORE COUNTY, MARY AND DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

DATE: May 11, 1992 Mr. Arnold Jablon, Director Zoning Administration and Development Management

FROM: J. Lawrence Pilson

Zoning Item #425 8945 Satyr Hill Road Zoning Advisory Committee Meeting of April 20, 1992

The Environmental Impact Review Division offers the following

Development of this site must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains.

JLP:sp

JABLON4/TXTSBP

425.txt Petitns.txt

If there should be any further questions or if this office can provide additional information, please contact Francis Morsey in the Office of Planning and Zoning at 887-3211.

Ervin McDaniel, Chief

following petitions:

Charles Eierman - ITEM 425

Gary P. Sweat - ITEM 430

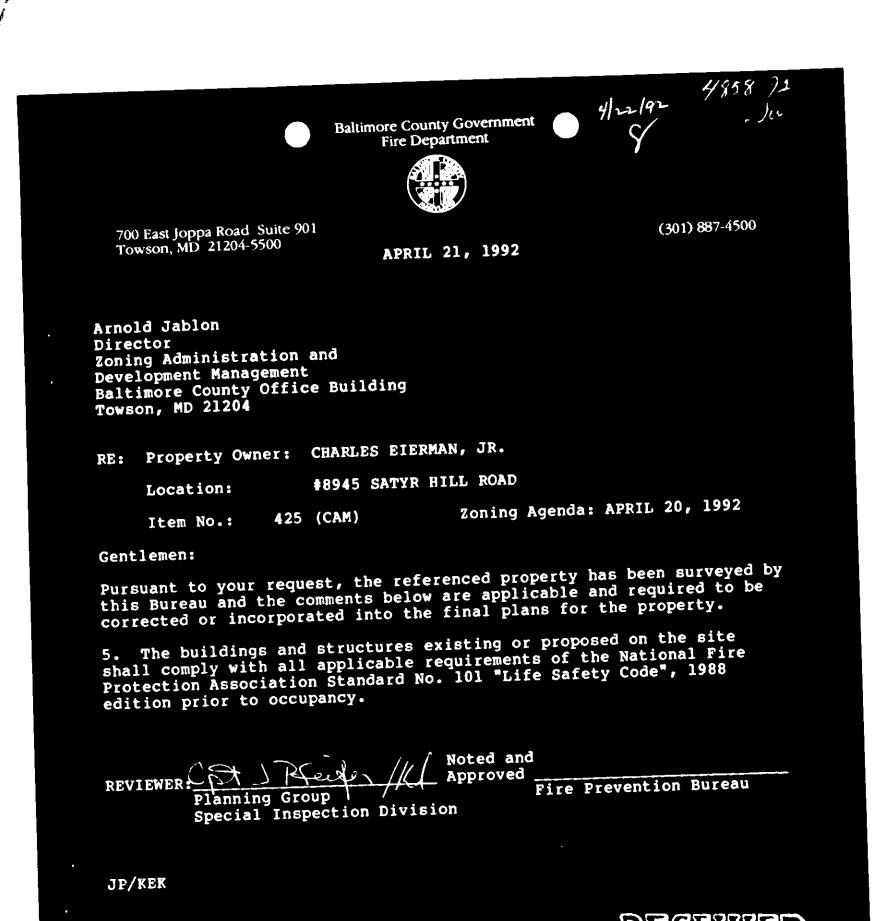
Kathleen and Jimmy Ledwell Jeffrey and Doris Scheeler

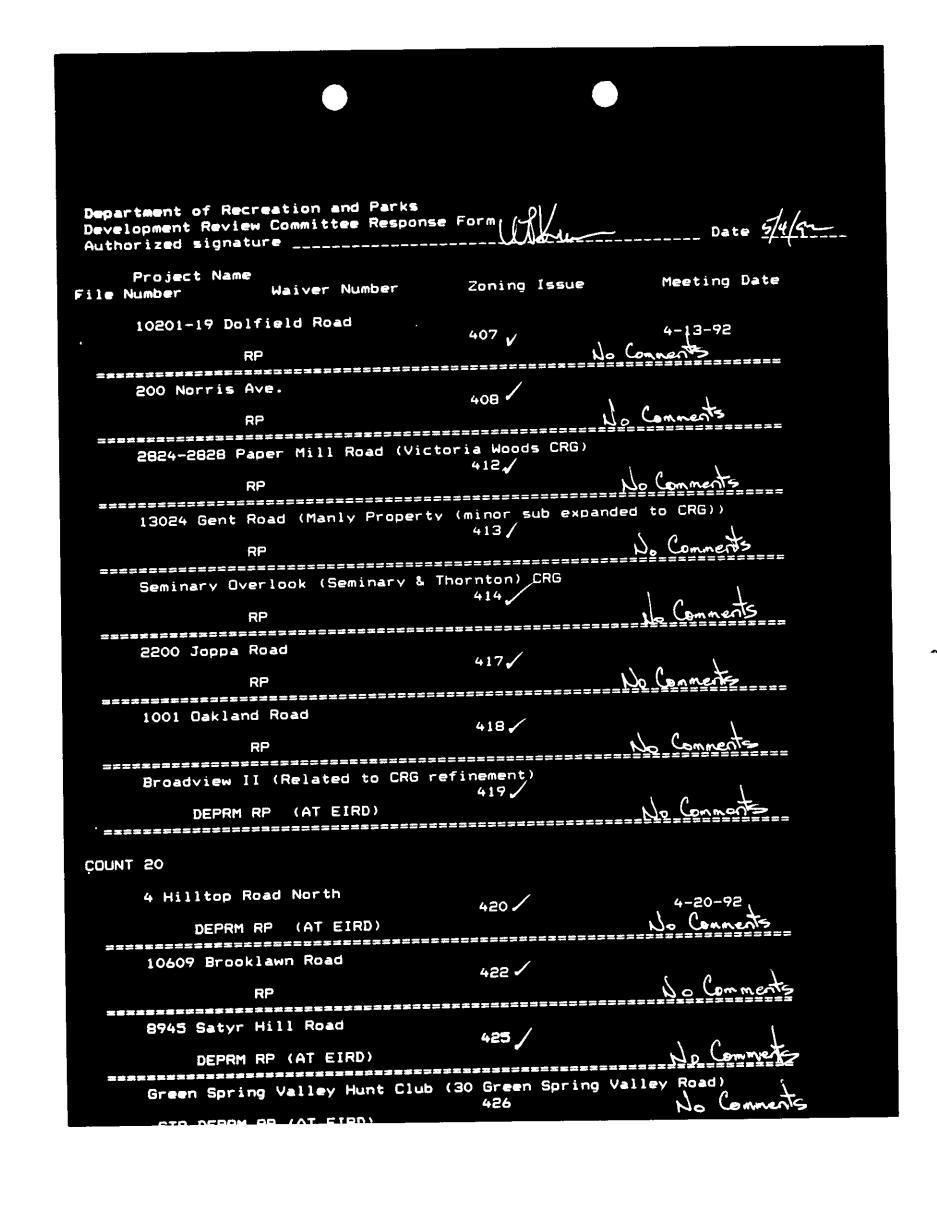
Louis and Janet Heidrich

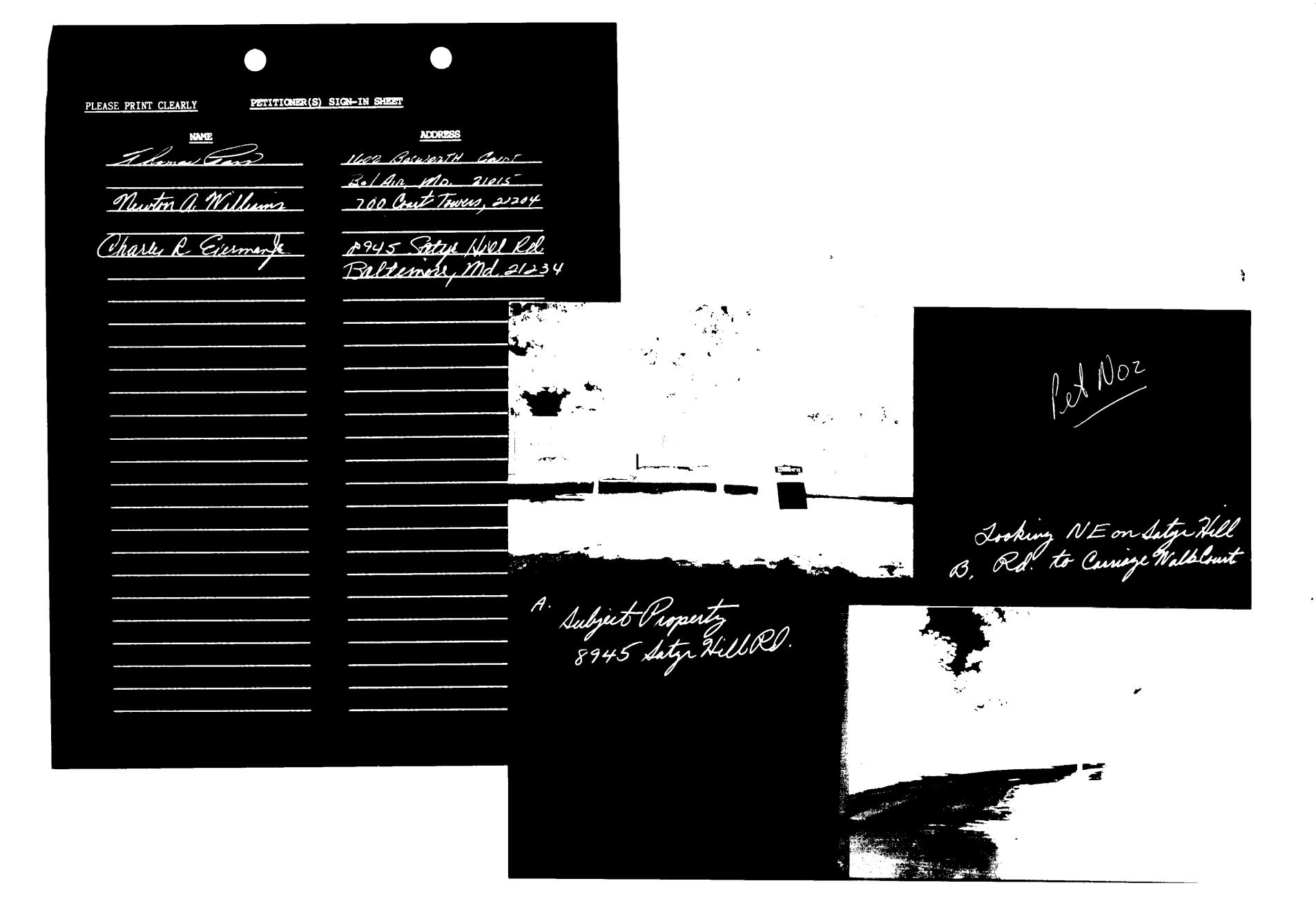
April 28, 1992

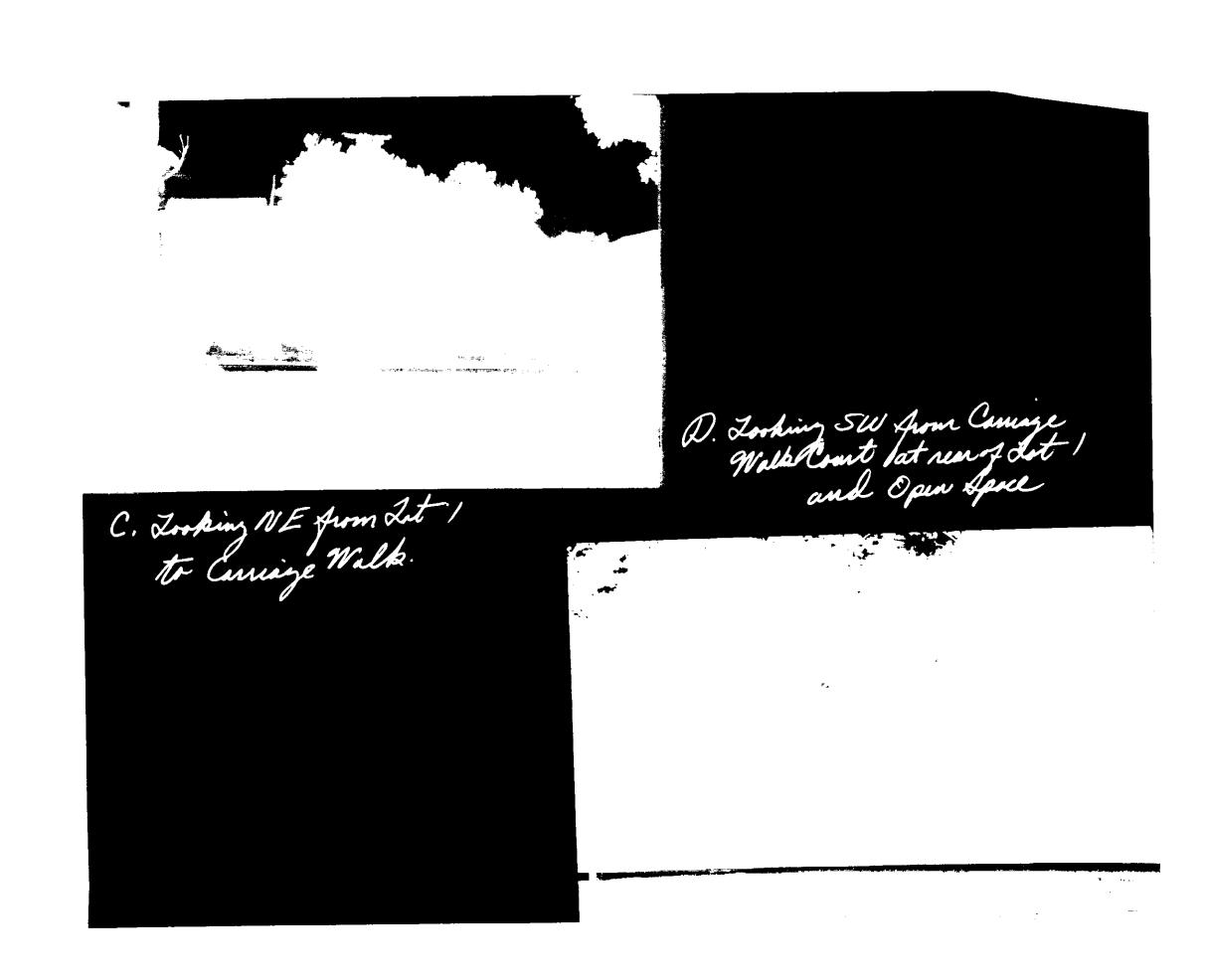
Development Review Section

Office of Planning and Zoning









ZONING OFFICE



